



Governor's Commission on Disabilities' Executive Committee

Monday June 25, 2007 4 – 6 PM

John O. Pastore Center, 41 Cherry Dale Court,
Cranston, RI 02920-3049

(voice) 401-462-0100 (fax) 462-0106 (tty) via RI Relay 711

(e-mail) disabilities@gcd.ri.gov (website) www.disabilities.ri.gov

Attendees:	Paul Choquette (Chair); Rosemary Carmody; Regina Connor; Binyamin Efreom; Kate McCarthy-Barnett; & Patricia Ryherd		
Excused:	John MacDonald (Vice Chair); Judi Drew; Timothy Flynn; Orestes Monterey; Bill Nieranowski; & Paul Grenon;		
----- Minutes -----			
Call to Order and Acceptance of the Minutes	Paul Choquette , Chairperson	5 min.	
Introductions: Chair called the meeting to order at 4 PM			
MOTION: To accept the minutes of the previous meeting as: presented RC/PR passed unanimously			
Action Items:	Discussion Leader:	Time:	
1. Government Reorganization – Strategy for Addressing Budget Article 3 SECTION 11	Bob Cooper, Executive Secretary	60 min.	
Discussion: Members reviewed the options presented by the Executive Secretary, discarded some and revised others.			
MOTION: To recommend the Commission propose the Governor consider the following:			
A The Commission's current responsibilities include:			
1. System Change Advocacy:			
a. RIGL 42-51-6. Governor's Commission on Disabilities – Duties. It shall be the duty of the commission to work in cooperation with the National Council on Disability and other interested federal, state, and local agencies, organizations, and employers in:			
(1) Promoting on behalf of the people with disabilities and assuring, on behalf of the state, that people with disabilities are afforded the opportunities to exercise all of the rights and responsibilities accorded to citizens of this state			
(2) Arousing community interest in the concerns of people with disabilities through the utilization of whatever community and state resources the commission may deem necessary to accomplish the maximum in independent living and human development.			

- b. RIGL 17-9.1-31. Elections – Registration of Voters –Voter registration advisory board;
- c. RIGL 30-15-6. Military Affairs and Defense – Emergency Management – Advisory Council.
- d. RIGL 28-5.1-9. Labor and Labor Relations – Equal Opportunity and Affirmative Action – State employment services;
- e. RIGL 40-14-8.Human Services – Equipment Loan Fund for People with Disabilities –Rules and regulations; and
- f. RIGL 42-47.1-5. State Affairs and Government – Commission on State Government Internships – Summer internships for students with disabilities.

2. Disability Rights Technical Assistance

- a. RIGL 42-51-6. Governor’s Commission on Disabilities - Duties. It shall be the duty of the commission to work in cooperation with the National Council on Disability and other interested federal, state, and local agencies, organizations, and employers in:
 - (4) Providing technical assistance to public and private agencies, businesses, and citizens in complying with federal and state laws protecting the rights of individuals with disabilities
- b. RIGL 42-51-6.2. Governor’s Commission on Disabilities - Committees and mediation teams.
 - (a) The commission is authorized to create mediation teams to perform tasks within the jurisdiction of the commission.
 - (b) The commission may itself, or it may empower these mediation teams to:
 - (4) Attempt by informal methods of conference, persuasion, and conciliation, to induce compliance with matters within the jurisdiction of the commission.

- (d) mediation teams created by the commission shall be composed of representative citizens serving without pay, but with reimbursement for actual and necessary traveling expenses.
- c. RIGL 42-51-9. Governor’s Commission on Disabilities - Definitions. The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:
 - (2) "Federal and state laws protecting the rights of individuals with disabilities" means, but is not limited to, the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq.; Title V of the Rehabilitation Act of 1973, 29 U.S.C. § 794; R.I. Const., art. I, § 2; the provisions of chapter 87 of title 42ⁱ and §§ 23-6-22ⁱⁱ, 37-8-15ⁱⁱⁱ, 37-8-15.1^{iv} and 42-46-13^v
 - (5) "Providing technical assistance to public and private agencies, businesses, and citizens on complying with federal and state laws protecting the rights of

individuals with disabilities" means information dissemination and training designed to encourage the voluntary compliance with laws protecting the rights of individuals with disabilities; conducting disability accessibility surveys and providing advice on how to overcome any barriers to accessibility; and a mediation service to assist parties who voluntarily chose to utilize that service to resolve allegations of discrimination on the basis of disability.

3. Disability Rights Enforcement

- a. 42-51-6. Governor's Commission on Disabilities - Duties. "It shall be the duty of the commission to work in cooperation with the National Council on Disability and other interested federal, state, and local agencies, organizations, and employers in:
 - (3) Coordinating compliance with federal and state laws protecting the rights of individuals with disabilities by state agencies;
- b. RIGL 42-51-6.1. Governor's Commission on Disabilities - Hearing boards. The commission's chairperson shall appoint five (5) commissioners as the hearing board for the purpose of conducting hearings and rendering decisions on matters relating to the provisions of chapter 87 of title 42 and sections 37-8-15.1 and 42-46-13 within the jurisdiction of the commission. Three (3) commissioners shall constitute a quorum of a hearing board. The hearing board is empowered to Receive, investigate, and act upon charges of unlawful practices within its jurisdiction; and In connection with any investigation or hearing held on any matter within its jurisdiction to hold hearings, administer oaths, take the testimony of any person under oath, and to require the production for examination of any books and papers relating to any matter under investigation or in question before the hearing board.
- c. 42-51-9. Governor's Commission on Disabilities - Definitions. The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:
 - (2) "Federal and state laws protecting the rights of individuals with disabilities" means, but is not limited to, the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq.; Title V of the Rehabilitation Act of 1973, 29 U.S.C. § 794; R.I. Const., art. I, § 2; the provisions of chapter 87 of title 42^{vi} and §§ 23-6-22^{vii}, 37-8-15^{viii}, 37-8-15.1^{ix} and 42-46-13^x
 - (4) "Coordinating compliance" means the authority to:
 - (i) Issue guidelines, directives, or instructions that are necessary to effectuate compliance with federal and state laws protecting the rights of individuals with disabilities;
 - (ii) Establish a grievance procedure to promptly and equitably resolve complaints of noncompliance with federal and state laws protecting the rights of individuals with disabilities involving state agencies, including the power to

investigate possible discrimination and eliminate unlawful practices by informal methods of conference, conciliation, and persuasion;

(iii) Initiate complaints against any state agency that willfully fails to comply with federal and state laws protecting the rights of individuals with disabilities to the appropriate state or federal agency; and

(iv) Develop, make periodic revisions to, and oversee the implementation of a transition plan for the removal of environmental and communication barriers in state-owned facilities

d. 42-51-10. Governor's Commission on Disabilities - State coordinating committee on disability rights

4. Services for People with Disabilities

a. RIGL 42-51-11. Governor's Commission on Disabilities - Mary Brennan fellowship fund

(b) These fellowships shall provide a semester-long, part-time placement with the commission in Rhode Island, working on disability policy and research. Each fellow will be assigned to a specific placement, providing assistance to the commission in disability policy. Mentor experiences will introduce the fellows to disability policy issues and actions at the local, state and federal levels. The fellowships will offer students an opportunity to:

- (1) Gain perspective on the role and responsibility of the commission;
- (2) Knowledge of national/state disability programs;
- (3) Policy issues and research;
- (4) Meet with decision makers, experts and critics in disability and related policy fields; and
- (5) Develop networks with local, regional, and national based experts, and researchers who can assist in career development and future endeavors.

b. RIGL 37-2.2-1. State Purchases - Disability Business Enterprises - Short title and purpose. This chapter shall be known as the "Disability Business Enterprises Act." It is the policy of the state of Rhode Island that small disadvantaged disability businesses shall have the maximum opportunity to participate in the performance of procurements and projects as outlined in this chapter. This chapter shall apply to any and all state purchasing, including, but not limited to, the procurement of goods and services, construction projects, or contracts funded in whole or in part by state funds, or funds which, in accordance with a federal grant or otherwise, the state expends or administers or in which the state is a signatory to the construction contract.

B Centralize the Disability Related Coordination of Multi-Departmental Boards (at the Secretariat)

1. Interagency Transition Council RIGL 16-24-18
2. Interagency Coordinating Council RIGL 23-13-23
3. Long-Term Care Coordinating Council RIGL 23-17.3
4. Interagency Coordinating Council on Environmental Lead RIGL 23-24.6-6

5. Permanent Advisory Commission on Traumatic Brain Injuries RIGL 42-12-19

6. Paratransit Task Force Governor's Executive Order 06-09

C Review the Support Service Needs for the Disability Related Advisory & State Plan Review Boards and their necessity, such as:

1. Citizens' Commission for the Safety and Care of the Elderly RIGL 12-1.4

2. Home and Community Care Advisory Committee RIGL 42-66.3-8

3. Hearing Impairments Testing Advisory Committee RIGL 23-13-13

4. Birth Defects Surveillance & Information System Advisory Council RIGL 23-13.3-4

5. Stroke Task Force RIGL 23-78-2

6. Adaptive Telephone Equipment Loan Program Committee RIGL 39-23, 39-1-42

7. Advisory Council on the Blind RIGL 40-9-3

8. RI Council on Assistive Technology US P.L. 105-394

9. Statewide Independent Living Council US P.L. 102-569 and Executive Order 1993-23

10. State Rehabilitation Advisory Council US P.L. 102-569 and Executive Order 1993-24

11. Governor's Committee on Mental Retardation RIGL 40.1-8

12. Governor's Council on Behavioral Health RIGL 40.1-29-5

D Consolidation of Disability Rights Technical Assistance & Enforcement in the Governor's Commission on Disabilities (comfort animals)

E Centralize all Purchasing Preference Programs at the Division of Purchasing
RCo /BE passed unanimously

Future Staffing needs will be predicated on the Commission's future mission.

Discussion: The Commission's FY 08 FTE Cap is 5.6 state employees and 1 contract employee.

The Executive Committee asked the staff and commissioners to respond to 4 questions. Members reviewed the comments.

1. Is public awareness through ABLE TOO... cable TV effective, should it be replaced with multi media - web cast, or higher quality cable TV or other media but only a few per year, rather than the 24 ABLE TOO... programs currently produced annually

2. Should ABLE TOO... or Web cast based program be contracted to a college or university video department?

3. Should ABLE TOO... production be linked to ADA Employment? Would it fit better in ADA Services?

MOTION: The Commission's public awareness efforts should consider replacing Able Too with multi media - web cast, or higher quality cable TV or other media but only a few per year, rather than the 24 ABLE TOO as Communications and Media (contracted) Service PR/RCo passed unanimously

MOTION: Create an Ad Hoc Committee on Communication Strategies KMcCB/RCo passed unanimously

4. Should Disability Business Enterprises be linked to ADA Services? Would it fit better in ADA Employment?

MOTION: To assign managing the Disability Business Enterprises program to Services position RCa/RCo passed unanimously

Proposed Revision of Commission Job Descriptions:

TITLE OF GROUP OF CLASSES: ASSISTANT ADA COORDINATOR

TITLE OF CLASSES IN GROUP: ASSISTANT ADA COORDINATOR (ACCESSIBILITY)
ASSISTANT ADA COORDINATOR (EMPLOYMENT)
ASSISTANT ADA COORDINATOR (SERVICES)

Class Code: 0725500

Pay Grade: 824A

EO: B

CLASS DEFINITION:

GENERAL STATEMENT OF DUTIES: To perform responsible by providing information, referral, technical assistance and public relations in "the area of specialization" under the jurisdiction of the Commission, and to do related work as required

SUPERVISION RECEIVED: Works under the general supervision of the Executive Secretary and State ADA Coordinator from whom work assignments are received; latitude is allowed for the exercise of independent judgment in applying appropriate methods and techniques; work is reviewed usually upon completion for conformance to directions and results obtained

SUPERVISION EXERCISED: Supervises and coordinates the work of college student fellows/interns engaged in providing information and referral assistance to the public

ILLUSTRATIVE EXAMPLES OF WORK PERFORMED:

In the area of specialization indicated in the title of class of position:

To provide technical assistance to businesses, government, and non-profit agencies on rights of persons with disabilities

To conduct customized training on the rights of persons with disabilities

To provide information to individuals with disabilities and their families on their human rights

To coordinate a disability discrimination complaint/mediation service

To represent the Commission on regional and state boards

To testify on behalf of the Commission before local, state, regional, and federal agencies

To perform responsible work in a continuous informational and public relations program for the Commission

To select, assemble, organize and otherwise compile and prepare informational data and material for use of a departmental or agency official to publicize the effectiveness of the Commission programs

To train and supervise college interns/fellows

To do related work as required

The areas of specialization's responsibilities are managing the Commission's programs relating to

Accessibility: federal and state accessibility codes and standards, including but not limited to Americans with Disabilities, Department of Justice Polling Place Guidelines, RI Public Buildings – Access for People with Disabilities Act, & RI Open Meetings – Accessibility for Persons with Disabilities Act.

Employment: federal and state fair employment regulations including but not limited to Equal Employment Opportunity Commission's Americans with Disabilities Regulations and RI Fair Employment Practices Acts

Services: Federal and state public accommodations regulations including but not limited to Department of Justice's Americans with Disabilities regulations and RI Civil Rights of People With Disabilities Act, and

RI Disability Business Enterprises Law, RIGL Chapter 37-2.2

REQUIRED QUALIFICATIONS FOR APPOINTMENT:

KNOWLEDGE, SKILLS AND CAPACITIES:

A thorough knowledge of federal and state disability rights laws and regulations, etc.; the ability to interpret and apply regulations and specifications; the ability to instruct and train; the ability to mediate problems related to consumer complaint and investigations; the ability to maintain documentation of on-site reviews and compose written reports; and related capacities and abilities and the ability to apply such knowledge as it relates to the area of specialization indicated by the title of the class of position
The ability to conduct on-site reviews for all activities/projects under the jurisdiction of the Commission in order to determine compliance and to make recommendations to effect compliance
The ability to effectively make oral and written presentation to civic, business or other groups
The ability to utilize information technology

Knowledge, skills and capacities in the area of specialization indicated in the title of class of position:

Accessibility: Knowledge of the principles and practices of state building code regulations, laws, etc., in addition to a thorough knowledge of federal and state accessibility codes, regulations, and specifications; the ability to interpret construction plans and specifications

Employment: Knowledge of the principles and policies of non-discriminatory personnel and fair employment practices

Services: Knowledge of the principles and policies of non-discriminatory customer services; small / minority business, non-profit and government agency services and practices

EDUCATION AND EXPERIENCE:

Education and experience in the area of specialization indicated in the title of class of position:

Accessibility:

Education: Such as may have been gained through: graduation from high school or a technical vocational school and

Experience: Such as may have been gained through: employment as a building code inspection official or in a position involving the inspection of building construction, materials, accessibility or compliance

Employment:

Education: Such as may have been gained through: graduation from a college of recognized standing with a Bachelor's Degree or certification in human services; human resource, rehabilitation counseling, or related field

Experience: Such as may have been gained through: employment in a position, which involved responsibility for organization and development of civil rights and/or human resource training program

Services:

Education: Such as may have been gained through: graduation from a college of recognized standing with a Bachelor's Degree or certification in human services; business administration; finance; customer services or related field

Experience: Such as may have been gained through: employment in a position, which involved responsibility for organization and development of civil rights and/or customer services training program and/or business development

Or, any combination of education and experience that shall be substantially equivalent to the above education and experience

MOTION: To recommend the Commission adopt the Assistant ADA Coordinator's Group and Class Job Descriptions as revised above PR/KMcCB Passed unanimously

CLASS TITLE: ADMINISTRATIVE AIDE

Class Code: 00414400

Pay Grade: 805A

EO: F

CLASS DEFINITION:

GENERAL STATEMENT OF DUTIES: To perform responsible work providing information to the public with questions and concerns about programs and services.

SUPERVISION RECEIVED: Works under the general supervision of the Executive Secretary

SUPERVISION EXERCISED: Supervisors and coordinates the work of college student fellows and interns engaged in providing information and referral assistance to the public.

ILLUSTRATIVE EXAMPLES OF WORK PERFORMED:

To assist the general public as well as people with disabilities, their families, with questions and concerns about programs and services, including help to understand and deal with issues such as education, food stamps, heating assistance, home modification, housing, Medicaid, Medicare, pharmacy assistance, Social Security, Supplemental security income, temporary disability insurance, transportation, vocational training, and many other programs and services.

To answer telephones, determine the nature and need of the callers and refer to appropriate staff-person or other agency or prepare and mail an informational packet

To make follow-up phone calls to determine specific need and brief appropriate staff-person

To call Commissioners and committee members prior to meetings to determine attendance

To reproduce and mail material to Commissioners and Committee members in advance of Commission and Committee meetings

To provide staff support to committees (prepare minutes and mailings at the direction of the Executive Secretary) and

To perform simple clerical work and operate office equipment

To do related work as required.

REQUIRED QUALIFICATIONS FOR APPOINTMENT:

KNOWLEDGE, SKILLS AND CAPACITIES:

EDUCATION AND EXPERIENCE:

Education: Such as may have been gained through: Successful completion of college level courses in psychology, communications, or related field

Experience: Such as may have been gained through: Several years employment in health care, human services, rehabilitation or other occupation with extensive contact with people with disabilities

Or, any combination of education and experience that shall be substantially equivalent to the above education and experience

MOTION: To recommend the Commission adopt ADMINISTRATIVE AIDE Class Job Descriptions as presented PR/KMcCB passed, BE abstained

CLASS TITLE: EXECUTIVE SECRETARY/GOVERNOR'S COMMISSION ON DISABILITIES

Class Code: 02504100

Pay Grade: 32A

EO: E

CLASS DEFINITION:

GENERAL STATEMENT OF DUTIES: To plan, direct and administer the services and functions of the Governor's Commission on Disabilities; to develop effective liaison and cooperative relationships with other agencies for the effective presentation of the Commission's activities; and to do related work as required.

SUPERVISION RECEIVED: Works under the administrative direction of the Commission and its Chairperson, with wide latitude for the exercise of independent judgment and initiative; work is subject to review for effectiveness and compliance with Commission policies.

SUPERVISION EXERCISED: Plans, directs, supervises and reviews the work of a professional, technical and clerical staff and interns; coordinates the work of volunteers.

ILLUSTRATIVE EXAMPLES OF WORK PERFORMED:

As Secretary to the Commission:

Keep the minutes of all and committee meetings, distribute those minutes at least one (1) week prior to the next meeting, and record the actions taken at each meeting
Notify the members of their meetings
Call the meetings to order and preside in the absence of the chairperson and vice-chairperson
Conduct correspondence as directed by the commission or its committees
Read important correspondence
Assist in setting the agenda for Commission meetings and Executive Committee meetings

As the Commission's Executive Officer:

Arrange for support services to all committees and volunteer units
Implement the orders and resolutions of the commission and its committees
Provide the commission and committees with options and advice on matters pending before them
Supervise all staff
Execute all vouchers, invoices, requisitions, and other fiscal documents in accord with the budget approved by the commission
Execute all personnel documents as directed by the commission
Serve as the Commission's Rules Coordinator and Records Custodian
Prepare the annual report and all committee reports
Prepare the annual agency budget and other fiscal reports
Develop and maintain personnel policies and procedures, organization development, staff utilization and employee / volunteer appraisal system for the agency

As the Commission's lobbyist/publicist:

Monitor all state and federal legislation, either proposed or enacted, affecting directly or indirectly people with disabilities
Analyze and interpret legislation and to prepare and present reports detailing the projected impact of such legislation on individuals with disabilities
Prepare and present position documents on proposed legislation to executive and legislative committees
Represent the Commission to individuals and organizations in the community with and interest in Commission's legislation and directives
Serve as liaison with elected officials on matters concerning the Commission's programs
Oversee the initiation, planning, coordination, supervision and review of a continuous informational, educational and community relations program including a:
Producing of the weekly cable TV program
Writing or editing and adapting news releases, articles, stories, radio and feature materials for use of local newspaper, radio and TV stations and advertising agencies
Identifying short and long range human service delivery needs to formulate viable responses to those needs
Planning and directing research studies and surveys concerned with the compilation, analysis and interpretation of statistics and data relating to programs serving people with disabilities
Making oral presentations on behalf of the Commission before business, labor, civic, professional, parent, and disability groups and conduct seminars/conferences
Publishing reports relating to people with disabilities
Do related work as required

REQUIRED QUALIFICATIONS FOR APPOINTMENT:

KNOWLEDGES, SKILLS AND CAPACITIES:

A thorough knowledge of state and relevant federal and local laws and regulations and the ability to interpret and apply such laws and regulations and the ability to interpret and apply such laws and regulations to insure the protection of individuals with disabilities;

the ability to plan, organize and administer research studies, surveys and investigations as well as education programs and services;
the ability to work with the state legislature in preparing written and oral testimony involving legislation and to testify before state departments and federal agencies on disability rights under the law;
the ability to establish and maintain an effective working relationship with the business community, governmental groups and agencies, disability consumer organizations and their representatives, educational institutions and staff, community organizations, local governments and the general public; and related capacities and abilities

EDUCATION AND EXPERIENCE:

Education: Such as may have been gained through: possession of a Master’s Degree in Rehabilitation, Education, Social Work, Public Administration, or Communications

Experience: Such as may have been gained through: employment in a responsible administrative and supervisory position in a private or public advocacy, research, or human service agency

Or, any combination of education and experience that shall be substantially equivalent to the above education and experience

Class Created: April 18, 1993

Editorial Review: 3/15/03

MOTION: To recommend the Commission adopt EXECUTIVE SECRETARY / GOVERNOR’S COMMISSION ON DISABILITIES Class Job Descriptions as revised above PR/BE passed unanimously

CLASS TITLE: STATE ADA (Americans with Disabilities Act) COORDINATOR

Class Code

Pay Grade 829A

EO: G

CLASS DEFINITION:

GENERAL STATEMENT OF DUTIES: To plan, direct and administer the services and functions of the Governor’s Commission on Disabilities’ public awareness, technical assistance, and compliance activities related to the rights of individuals with disabilities and to do related work as required

SUPERVISION RECEIVED: Works under the administrative direction of the Commission, its Chairperson, and Executive Secretary with wide latitude for the exercise of independent judgment and initiative; work is subject to review for effectiveness and compliance with Commission policies

SUPERVISION EXERCISED: Plans, directs, supervises and reviews the work of a professional, technical and clerical staff and interns; coordinates the work of volunteers

ILLUSTRATIVE EXAMPLES OF WORK PERFORMED:

To assist in the development of the state’s master plan for all construction designed to provide accessibility for individuals with disabilities to state owned or leased buildings

To identify short and long range human service delivery needs to formulate viable responses to those needs.

To plan and direct research studies and surveys concerned with the compilation, analysis and interpretation of statistics and data relating to programs serving people with disabilities

To make oral presentations on behalf of the Commission before business, labor, civic, professional, parent, and disability groups and conduct seminars/conferences

To supervise and manage the Commission’s disability rights compliance activities including

- the review and approval of Open Meeting Accessibility Transition Plans, in accordance with RIGL 42-46-13
- the review and approval of Public Building Accessibility Waivers to Leased or Rented Facilities in accordance with RIGL 37-8-15.1

- the coordination of compliance by State Agencies with State and Federal Laws protecting the rights of individuals with disabilities, in accordance with RIGL 42-51-6 (c)
- the Grievance procedures regarding complaints alleging discrimination on the basis of disability by a state agency, in accordance with RIGL 42-51-6 (c)
- the initiation of complaints against state agencies to protect the rights of individuals with disabilities, in accordance with RIGL 42-51-6 (a) & (c)
- the development of transition plans for the removal of environmental and communication barriers at state owned facilities, in accordance with RIGL 42-51-6 (c)

To do related work as required

REQUIRED QUALIFICATIONS FOR APPOINTMENT:

KNOWLEDGES, SKILLS AND CAPACITIES: A thorough knowledge of state and relevant federal and state laws and regulations and the ability to interpret and apply such laws and regulations and the ability to interpret and apply such laws and regulations to insure the protection of individuals with disabilities; the ability to plan, organize and administer surveys and investigations as well as education programs and services; the ability to testify before state departments and federal agencies on disability rights under the law; the ability to establish and maintain an effective working relationship with the business community, governmental groups and agencies, disability consumer organizations and their representatives, educational institutions and staff, community organizations, local governments and the general public; and related capacities and abilities

EDUCATION AND EXPERIENCE:

Education: Such as may have been gained through: graduation from a college of recognized standing with a Bachelor’s Degree or certification in human services; business administration; management; architectural; building code official or related field

Experience: Such as may have been gained through employment in a responsible administrative and supervisory position in a business, government or non-profit agency

Or, any combination of education and experience that shall be substantially equivalent to the above education and experience

Class Created:

MOTION: To recommend the Commission adopt STATE ADA (Americans with Disabilities Act) COORDINATOR (reallocating the current Special Project Coordinator’s position with this new) Class Job Descriptions as revised above PR/BE passed unanimously

Temporary Services

Annual Hours	Description
Communications and Media	
Up to 24 days	Production of multi media - web cast, high quality cable TV and/or other media
Architectural or Engineering Services	
6 days	Hearing board discrimination investigations
1 day every other month	ADA Technical Assistance
Cleaning Services	
Twice a week	
Data Entry	
	Entering data from:
Twice a week	Commission information (mediation, disability parking, etc.)
Twice a week for 10 weeks	HAVA Polling Place Inspections
1 day every other month	registrations for ADA training, surveys, etc.

Annual Hours	Description	
Clerk Stenographer		
Up to 18 Hours	Hearing Board Investigations	
Database Design		
Develop / update databases to more effectively record information for later retrieval:		
1 week startup & 1 day a quarter	General Commission databases	
1 ¼ day startup & 1 day a quarter	DBE database	
1 week startup	HAVA database	
1 week startup & 1 day every other month	ADA database(s)	
Interpreters for the Deaf		
2 interpreters @ 6	Public Forums	
interpreters @	DBE, Promoting Work, ADA trainings and/or committee meetings	
Real-time Captioning		
12 Hours	Public Forum Testimony	
Temporary Construction Inspectors		
10 weeks	HAVA Polling Place Inspections;	
	State Facility Access Renovations	
Training and Education Services		
3 hours each:		
1	DBE	
1	Promoting Work	
3	ADA Trainings	
Web-site Development		
	Develop / update website on a regular basis	
1 week startup & 1 day every other month	Commission Website	
1 week startup & twice annually	ADA webpage(s)	
1 week startup	HAVA webpage(s)	
<p>MOTION: To recommend the Commission adopt Temporary Services revised by the Executive Secretary to be consistent with all the decisions in Action Item # 1 above KMcCB/BE passed unanimously</p>		
2. FY 2008 Budget– Recommendations for allocation of funds	Bob Cooper	15 min.
The Commission’s Budget as approved by the House of Representatives is identical to the Governor’s Budget Recommendations, submitted in January.		
General Revenues ^{xi}		\$535,775
Federal Funds		\$181,692
Restricted Receipts		\$50,612
Rhode Island Capital Plan Funds Facility Renovation – Handicapped Accessibility		\$200,000
Grand Total - Governor's Commission on Disabilities		\$968,079
<p>MOTION: To direct the Executive Secretary to allocation of FY 2008 funds based on the Executive Committee’s Recommendations for Reorganization and Staffing in Action Item 1 above, BE/PR passed unanimously</p>		
Announcements and Scheduling of Meetings	Chairperson	5 min.

July 16th from 4 – 4:45 PM to interview the remaining candidates for commissioner, prior to the Commission meeting.

The August meeting will focus on preparing the FY 09 Budget Request for adoption at the Annual Meeting, September 5th.

Next meeting will be on:	Tuesday August 21 st	Starting at: 5 PM
Adjournment:	Chairperson adjourned the meeting at 6:35 PM	

Other Information

Resource persons:	Christine Botts
-------------------	-----------------

Notes:

i 42-87-5 Civil Rights Of People With Disabilities - Enforcement of anti-discrimination provisions.

(b) (1) The governor's commission on disabilities is empowered and directed to investigate and hear all complaints relating to alleged violations of this chapter relating to the physical inaccessibility of buildings and structures.

(2) The governor's commission on disabilities shall have the power and duties to adopt, promulgate, amend and rescind rules and regulations to effectuate the provisions of this section.

(i) Prior to instituting a formal hearing, the governor's commission on disabilities shall attempt by informal methods of conference, persuasion and conciliation, to induce compliance with this chapter. If the complaint or any portion of the complaint cannot be resolved by these informal methods, the governor's commission on disabilities shall conduct a hearing as provided by this section.

(ii) If the governor's commission on disabilities shall upon all the evidence find that the respondent has not engaged in violations of the civil rights of individuals with disabilities caused by the physical inaccessibility of buildings and structures, the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the complaint as to the respondent.

(iii) If upon all the testimony taken, the commission shall determine that the respondent has engaged in violations of the civil rights of individuals with disabilities caused by the physical inaccessibility of buildings and structures, then the commission shall state its findings of fact and shall issue and cause to be served upon the respondent an order requiring the respondent to cease and desist from such practices, and to take any further action that will effectuate the purposes of this chapter.

(iv) Any complainant or respondent claiming to be aggrieved by a final order of the commission may obtain judicial review of the final order; any party may obtain an order of court for enforcement of a final order of the commission. These proceedings shall be brought in the superior court within any county where the unlawful practices, which are the subject of the commission's order, were committed or where any respondent, required in the order to cease and desist from unlawful practices or to take other affirmative action resides or transacts business.

ii 23-6-22. Health & Safety - Discrimination prohibited.

“No person, agency, organization, or corporate body may discriminate against a person on the basis of a positive HIV test result, or perception of a positive test, in housing, employment, the granting of credit, public accommodation, or delivery of services, nor shall an HIV test be required as a condition of employment, except where nondiscrimination can be shown, on the testimony of competent medical authorities, to constitute a clear and present danger of HIV transmission to others.”

iii 37-8-15. Public Buildings - Access for people with disabilities.

“The design of all public buildings to be constructed, leased, or rented by the state or any municipality of the state must be in compliance with all the standards promulgated by the Rhode Island State Building Code, chapter 27.3 of title 23, which make buildings and facilities accessible to and usable by people with disabilities.”

iv 37-8-15.1. Accessibility of leased or rented facilities for people with disabilities.

“(a) No governmental body or public agency, as defined in § 37-2-7, acting as lessee, shall lease or rent facilities that are not accessible to and usable by individuals with disabilities. The lessee governmental body or public agency shall provide the state building commissioner with a list of prospective facilities to be leased and shall ensure that accessibility certifications in subdivision (a)(1), (a)(2), or (a)(3) and (a)(4) of this section are completed prior to submission of the lease or renewal of the lease for final approval by the state properties commission or other authorized body. Prior to a governmental body or public agency leasing or renting any facility, or renewing a lease:

(1) The state building commissioner shall certify that the new facility to be leased or rented conforms to the accessibility for people with disabilities provisions of the state building code; or that the existing facility to be leased or rented meets the accessibility requirements of the state building code in effect at the time of first occupancy after January 1, 1978; or if constructed prior to January 1, 1978, meets the requirements of the current state building code; or

(2) The state building commissioner shall certify that construction documents for the proposed facility to be leased or rented conform to the accessibility requirements of the state building code, and the accessibility renovations shall be completed within six (6) months of the signing of the lease; or

(3) The state building code board of appeals grants a waiver from some provisions of the state building code's accessibility requirements for people with disabilities provisions with respect to state agency leasing the facility; and

(4) The governor's commission on disabilities shall certify that the lessee agency's program accessibility plan ensures access to, and use of the facility to be leased or rented for people with disabilities.

(b) The governor's commission on disabilities shall only certify an accessibility plan that:

(1) Would not operationally serve to deny any individual with a disability access to a service or program operated by the governmental body or public agency;

(2) Would not operationally serve to deny an employee with a disability or job applicant with a disability employment or advancement in that governmental body or public agency;

(c) The state building code board of appeals shall only grant waivers when total compliance with the disability accessibility provisions of the state building code was structurally infeasible.

(d) The state building commissioner shall reinspect all facilities leased or rented under subdivision (a)(2) or (a)(3) prior to the date(s) established in the certification or waiver for completion of any renovations required. If the state building commissioner is unable to issue a certification of compliance with the accessibility for people with disabilities provisions of the building code or the variance, then the commissioner shall inform the director of the department of administration that the facility is in noncompliance. The governor's commission on disabilities shall have the right to periodically review the implementation of the accessibility plan, and inform the director of the department of administration of any noncompliance. Upon submission of said notification of noncompliance, the director of the department of administration shall take steps to ensure compliance or forward a report to the attorney general for legal action to terminate the lease.

42-46-13. Open Meetings - Accessibility for persons with disabilities.

(a) All public bodies, to comply with the nondiscrimination on the basis of disability requirements of R.I. Const., Art. I, § 2 and applicable federal and state nondiscrimination laws (29 U.S.C. § 794, chapter 87 of this title, and chapter 24 of title 11), shall develop a transition plan setting forth the steps necessary to ensure that all open meetings of said public bodies are accessible to persons with disabilities.

(b) The state building code standards committee shall, by September 1, 1989 adopt an accessibility of meetings for persons with disabilities standard that includes provisions ensuring that the meeting location is accessible to and usable by all persons with disabilities.

(c) This section does not require the public body to make each of its existing facilities accessible to and usable by persons with disabilities so long as all meetings required to be open to the public pursuant to chapter 46 of this title are held in accessible facilities by the dates specified in subsection (e).

(d) The public body may comply with the requirements of this section through such means as reassignment of meetings to accessible facilities, alteration of existing facilities, or construction of new facilities. The public body is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section.

(e) The public body shall comply with the obligations established under this section by July 1, 1990, except that where structural changes in facilities are necessary in order to comply with this section, such changes shall be made by December 30, 1991, but in any event as expeditiously as possible unless an extension is granted by the state building commissioner for good cause.

(f) Each municipal government and school district shall, with the assistance of the state building commission, complete a transition plan covering the location of meetings for all public bodies under their jurisdiction. Each chief executive of each city or town and the superintendent of schools will submit their transition plan to the governor's commission on disabilities for review and approval. The governor's commission on disabilities with assistance from the state building commission shall approve or modify, with the concurrence of the municipal government or school district, the transition plans.

42-87-5 Civil Rights Of People With Disabilities - Enforcement of anti-discrimination provisions.

(b) (1) The governor's commission on disabilities is empowered and directed to investigate and hear all complaints relating to alleged violations of this chapter relating to the physical inaccessibility of buildings and structures.

(2) The governor's commission on disabilities shall have the power and duties to adopt, promulgate, amend and rescind rules and regulations to effectuate the provisions of this section.

(i) Prior to instituting a formal hearing, the governor's commission on disabilities shall attempt by informal methods of conference, persuasion and conciliation, to induce compliance with this chapter. If the complaint or any portion of the

complaint cannot be resolved by these informal methods, the governor's commission on disabilities shall conduct a hearing as provided by this section.

(ii) If the governor's commission on disabilities shall upon all the evidence find that the respondent has not engaged in violations of the civil rights of individuals with disabilities caused by the physical inaccessibility of buildings and structures, the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the complaint as to the respondent.

(iii) If upon all the testimony taken, the commission shall determine that the respondent has engaged in violations of the civil rights of individuals with disabilities caused by the physical inaccessibility of buildings and structures, then the commission shall state its findings of fact and shall issue and cause to be served upon the respondent an order requiring the respondent to cease and desist from such practices, and to take any further action that will effectuate the purposes of this chapter.

(iv) Any complainant or respondent claiming to be aggrieved by a final order of the commission may obtain judicial review of the final order; any party may obtain an order of court for enforcement of a final order of the commission. These proceedings shall be brought in the superior court within any county where the unlawful practices, which are the subject of the commission's order, were committed or where any respondent, required in the order to cease and desist from unlawful practices or to take other affirmative action resides or transacts business.

vii 23-6-22. Health & Safety - Discrimination prohibited.

“No person, agency, organization, or corporate body may discriminate against a person on the basis of a positive HIV test result, or perception of a positive test, in housing, employment, the granting of credit, public accommodation, or delivery of services, nor shall an HIV test be required as a condition of employment, except where nondiscrimination can be shown, on the testimony of competent medical authorities, to constitute a clear and present danger of HIV transmission to others.”

viii 37-8-15. Public Buildings - Access for people with disabilities.

“The design of all public buildings to be constructed, leased, or rented by the state or any municipality of the state must be in compliance with all the standards promulgated by the Rhode Island State Building Code, chapter 27.3 of title 23, which make buildings and facilities accessible to and usable by people with disabilities.”

ix 37-8-15.1. Accessibility of leased or rented facilities for people with disabilities.

“(a) No governmental body or public agency, as defined in § 37-2-7, acting as lessee, shall lease or rent facilities that are not accessible to and usable by individuals with disabilities. The lessee governmental body or public agency shall provide the state building commissioner with a list of prospective facilities to be leased and shall ensure that accessibility certifications in subdivision (a)(1), (a)(2), or (a)(3) and (a)(4) of this section are completed prior to submission of the lease or renewal of the lease for final approval by the state properties commission or other authorized body. Prior to a governmental body or public agency leasing or renting any facility, or renewing a lease:

(1) The state building commissioner shall certify that the new facility to be leased or rented conforms to the accessibility for people with disabilities provisions of the state building code; or that the existing facility to be leased or rented meets the accessibility requirements of the state building code in effect at the time of first occupancy after January 1, 1978; or if constructed prior to January 1, 1978, meets the requirements of the current state building code; or

(2) The state building commissioner shall certify that construction documents for the proposed facility to be leased or rented conform to the accessibility requirements of the state building code, and the accessibility renovations shall be completed within six (6) months of the signing of the lease; or

(3) The state building code board of appeals grants a waiver from some provisions of the state building code's accessibility requirements for people with disabilities provisions with respect to state agency leasing the facility; and

(4) The governor's commission on disabilities shall certify that the lessee agency's program accessibility plan ensures access to, and use of the facility to be leased or rented for people with disabilities.

(b) The governor's commission on disabilities shall only certify an accessibility plan that:

(1) Would not operationally serve to deny any individual with a disability access to a service or program operated by the governmental body or public agency;

(2) Would not operationally serve to deny an employee with a disability or job applicant with a disability employment or advancement in that governmental body or public agency;

(c) The state building code board of appeals shall only grant waivers when total compliance with the disability accessibility provisions of the state building code was structurally infeasible.

(d) The state building commissioner shall reinspect all facilities leased or rented under subdivision (a)(2) or (a)(3) prior to the date(s) established in the certification or waiver for completion of any renovations required. If the state building commissioner is unable to issue a certification of compliance with the accessibility for people with disabilities provisions of the building code or the variance, then the commissioner shall inform the director of the department of administration that the facility is in noncompliance. The governor's commission on disabilities shall have the right to periodically review the

implementation of the accessibility plan, and inform the director of the department of administration of any noncompliance. Upon submission of said notification of noncompliance, the director of the department of administration shall take steps to ensure compliance or forward a report to the attorney general for legal action to terminate the lease.

x 42-46-13. Open Meetings - Accessibility for persons with disabilities.

(a) All public bodies, to comply with the nondiscrimination on the basis of disability requirements of R.I. Const., Art. I, § 2 and applicable federal and state nondiscrimination laws (29 U.S.C. § 794, chapter 87 of this title, and chapter 24 of title 11), shall develop a transition plan setting forth the steps necessary to ensure that all open meetings of said public bodies are accessible to persons with disabilities.

(b) The state building code standards committee shall, by September 1, 1989 adopt an accessibility of meetings for persons with disabilities standard that includes provisions ensuring that the meeting location is accessible to and usable by all persons with disabilities.

(c) This section does not require the public body to make each of its existing facilities accessible to and usable by persons with disabilities so long as all meetings required to be open to the public pursuant to chapter 46 of this title are held in accessible facilities by the dates specified in subsection (e).

(d) The public body may comply with the requirements of this section through such means as reassignment of meetings to accessible facilities, alteration of existing facilities, or construction of new facilities. The public body is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section.

(e) The public body shall comply with the obligations established under this section by July 1, 1990, except that where structural changes in facilities are necessary in order to comply with this section, such changes shall be made by December 30, 1991, but in any event as expeditiously as possible unless an extension is granted by the state building commissioner for good cause.

(f) Each municipal government and school district shall, with the assistance of the state building commission, complete a transition plan covering the location of meetings for all public bodies under their jurisdiction. Each chief executive of each city or town and the superintendent of schools will submit their transition plan to the governor's commission on disabilities for review and approval. The governor's commission on disabilities with assistance from the state building commission shall approve or modify, with the concurrence of the municipal government or school district, the transition plans.

xi The House Fiscal Advisory's Staff indicated that a "Statement of Legislative Intent" will be filed indicating that the \$15,350 in the 50th Anniversary Celebration Account is to be added into the Commission's General Operating Account.